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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/497,800	02/04/2000	David Angelo Ferrucci	YO999-202	7920
48150	7590	06/14/2006	EXAMINER	
MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			HUTTON JR, WILLIAM D	
			ART UNIT	PAPER NUMBER
			2176	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	Application No. 09/497,800	Applicant(s) FERRUCCI ET AL.	
	Examiner Doug Hutton	Art Unit 2176	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 30 May 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
 (b) ☐ They raise the issue of new matter (see NOTE below);
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 1,4-7,9-17,33 and 34.

Claim(s) objected to: _____.

Claim(s) rejected: 18,19,21-25 and 35.

Claim(s) withdrawn from consideration: 26-32,36 and 37.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

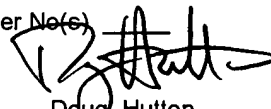
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No.(s) _____.

13. ☐ Other: _____.


 Doug Hutton
 Primary Examiner
 Art Unit: 2176

Continuation of 11. does NOT place the application in condition for allowance because:

With regard to the objection to and rejection of Claim 22 under 35 USC 112, first paragraph, Applicant argues that Claim 22 does not add new matter because the amendment to the claim (see Response dated 01/23/2006 on Page 9) was made to correct an obvious error. Applicant observes that original Claim 22 includes an obvious error in that the claim expressly recited "swapping" instead of "mapping." Applicant argues that the error in original Claim 22 is obvious because the Specification repeatedly describes "mapping" being performed by the reconciler rather than "swapping." See Response -- Page 13, third, fourth and seventh paragraphs.

The examiner disagrees.

Firstly, the examiner notes that Applicant's response to the issue of new matter in amended Claim 22 does not address the basis for the rejection. The basis for the rejection, as clearly indicated in the Office Action dated 03/30/2006, is: There is NO mention in the original Specification of DETERMINING whether a "component value" has a "value," and, IF SO, then NOT performing a "mapping." Applicant's argument fails to address this position taken by the examiner.

Secondly, the examiner expresses no opinion on whether the original language of Claim 22 included an error.

Accordingly, the rejection of Claim 22 under 35 USC 112, first paragraph is maintained.

With regard to the rejections of Claims 18, 19, 21-25 and 35 under 35 USC 102, Applicant argues that Applicant cannot properly rebut the examiner's position with regard to the prior art rejections based on Fong (US 6,279,015) because the examiner has cited the entire reference. Applicant also observes that "the Examiner's assertion that merely citing the entire reference in support of the rejection somehow conveys the Examiner's position clearly is contrary to the Interim Examination Guidelines published by the U.S. Patent Office in November 2005." See Response -- Page 15, second and third paragraphs.

The examiner disagrees.

Firstly, the "Interim Examination Guidelines" published in November, 2005 are guidelines for making rejections under 35 USC 101. No claims in the present application are currently rejected under 35 USC 101.

Secondly, each limitation in the rejected claims (Claims 18, 19, 21-25 and 35) is easily-understood and generally recites allowing a user to interactively map components variables to container variables.

Thirdly, the examiner explained, in an easily-understandable way, the examiner's interpretation of claim limitations when such interpretation was needed. Also, the examiner explained, in an easily-understandable way, how each limitation of the claims reads on the disclosure of Fong. The general disclosure of Fong (i.e., providing a GUI for creating and editing a mapping of a first structure to a second structure) is discernable by reading the title of the patent.

Accordingly, the rejections of Claims 18, 19, 21-25 and 35 under 35 USC 102 are maintained.

With regard to the rejections of Claims 18, 19, 21-25 and 35 under 35 USC 102, Applicant argues that the examiner's explanation of why Fong discloses each limitation of the rejected claims is "a general conclusion that Fong allegedly discloses each element of the claims with reference to SGML and HTML elements). Applicant also argues that it is unclear which elements of Fong the examiner is relying on to make the rejections because Fong includes a lengthy specification and numerous drawings. See Response -- Page 15, fourth through eighth paragraph.

The examiner disagrees.

Firstly, the examiner provided an easily-understood explanation of how each limitation of the rejected claims reads on Fong. If Applicant would carefully read the rejections set forth by the examiner and the Fong reference, then Applicant could easily understand the examiner's position with regard to the rejections of the claims.

Secondly, the examiner notes that the rejected claims are not particularly detailed. Stated differently, the scope of the rejected claims is somewhat broad. For example, Claim 18 describes displaying a component variable next to a "domain model element," identifying an association between the component variable and the "domain model element," and interactively matching the "domain model element" by a user. The other claims also recite the present invention in broad, general terms. Because the rejected claims are broad and general, it is not necessary for the examiner to cite particular portions of Fong to reject the claims. In Fong, the title and the abstract could be interpreted to be sufficient to make the rejections.

Accordingly, the rejections of Claims 18, 19, 21-25 and 35 under 35 USC 102 are maintained.

With regard to the objections to the Specification specifying that the cited portions of the Specification fail to correspond to the preceding portions of the Specification, Applicant argues that the cited portions of the Specification merely provide examples of the preceding portions. See Response -- Page 18, fifth paragraph through Page 19, last paragraph.

The examiner disagrees.

With regard to Applicant's proposed amendment to the Specification at Page 13, Lines 12-14, firstly, the proposed amendment reads "the reconciliation algorithm has mapped document variable A from the document component's (e.g., reference numeral 12)." The proposed amendment is unclear in that the examiner cannot determine from which part of the "document component" is document variable A mapped. Stated differently, the phrase "document component's" seems to be hanging, with no indication of what it modifies. Secondly, in regard to Applicant's argument that the wording in the parentheses provides a "more detailed example," the examiner asserts that a "more detailed example" is impossible. The first portion of the disputed sentence recites that "The reconciliation algorithm has mapped document variable A to container variable 1" (see amendment of the Specification dated 01/23/2006 -- Page Page 3, first full paragraph). Thus, the sentence specifies that document variable A is mapped to container variable 1. It is the examiner's position that such a mapping cannot be "more detailed." If Applicant disagrees with the examiner's position, then the examiner invites Applicant to specify the additional detail provided by the wording in the parentheses in the context of the preceding text. In other words, how is the wording inside the parentheses "more detailed" than the preceding wording?

Accordingly, this objection to the Specification is maintained.

With regard to Applicant's proposed amendment to the

argument that the original wording in the parentheses provides "examples," the examiner asserts that an "example" is impossible. The first portion of the disputed sentence recites that "Additionally, the reconciliation algorithm has mapped component variable B to container variable 3" (see amendment of the Specification dated 01/23/2006 -- Page 3, second full paragraph). Thus, the sentence specifies that document variable B is mapped to container variable 3. It is the examiner's position that such a mapping cannot be "further exemplified." If Applicant disagrees with the examiner's position, then the examiner invites Applicant to specify the "example" provided by the wording in the parentheses in the context of the preceeding text. In other words, how is the wording inside the parentheses an "example" of the preceeding wording?